

REMARKS

I. General

Claims 1-23 are pending. Claims 23 is rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Claims 1-6, 8-17, and 19-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by US 2004/0114042 to Paolini et al. (hereinafter *Paolini*). Claim 23 is rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,928,230 to Squibbs (hereinafter *Squibbs*). Claims 7 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Paolini* in view of US 6,961,096 to Tsujimoto (hereinafter *Tsujimoto*). Claims 1, 12, and 23 are amended, and claims 2, 3, 13, 14, and 24 are canceled. Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

II. Claim Amendments

Claims 1, 12, and 23 are amended herein. Because the amendments present no new matter, Applicant requests the amendments be entered.

Specifically, amended claim 1 recites “displaying the image inference information for user selection,” and amended claim 12 recites “means for displaying the image inference information for user selection.” Support for the amendment can be found in paragraphs [0020] and [0037] of the originally filed Application. As such, the amendments find support in the originally filed Application, and Applicant requests the amendments be entered.

Moreover, claim 23 has been amended to recite “generating inference metadata by searching information databases using at least a portion of the image metadata; matching the inference metadata with the image data; and calculating a confidence factor relating to the matched inference metadata.” Support for the amendment can be found in paragraphs [0031]-[0035], [0038], and [0039] and FIGURE 5 of the originally filed Application. As such, the amendments find support in the originally filed Application, and Applicant requests the amendments be entered.

III. Claim Rejections

A. Non-Statutory Subject Matter

Claims 23 and 24 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended claims 23 and 24 such that they now recites a method for “matching” and “calculating”. As method claims are patentable subject matter (M.P.E.P. § 706.03(a)), Applicant requests the 35 U.S.C. § 101 rejections be withdrawn and the claims be allowed.

B. 35 U.S.C. § 102(e) Rejections

Claims 1, 4-6, 8-12, 15-17, and 19-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Paolini*. Claim 23 is rejected under 35 U.S.C. § 102(e) as being anticipated by *Squibbs*. However, it is well settled that to anticipate a claim, a reference must teach every element of the claim, see M.P.E.P. § 2131. Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully asserts that the rejections do not satisfy these requirements, as detailed below.

1. Claims 1, 4-6, 8-12, 15-17 and 19-22

Claims 1 and 12 recite “displaying the image inference information for user selection” The Office Action cites *Paolini* as teaching this claim. Office Action, page 4. However, the cited reference does not disclose displaying image inference information for user selection. While *Paolini* teaches the user may make some selections; *Paolini* does not display image inference information for user selection. Specifically, *Paolini*’s user may select whether the image will be annotated with raw data (paragraph [0027], last 6 lines), and a user may select whether a further database search will be made (paragraph [0034]). However, *Paolini* does not appear to teach displaying image inference information for a user’s selection. Moreover, while *Paolini* explains the viewer recognizable information may be superimposed over the image (*e.g.*

text within the graphical area), such information is displayed *after Paolini's* system has already selected which information will annotate the image. *Paolini*, paragraph [0019] lines 4-8.

Without admitting that the image information teaches the claimed "image reference information" it is noted that , while information is displayed, paragraph [0019] does not teach displaying the image information *for user selection*. As such, *Paolini* fails to teach "displaying the image inference information for user selection"

Therefore, the cited reference fails to teach each and every limitation of claims 1 and 12. Thus, Applicant respectfully requests the rejection of record be withdrawn and the claims be allowed. Furthermore, claims 5, 6, 8-11, 15-17, and 19-22 depend from claims 1 and 12 thereby inherit all the limitations of claims 1 and 12. As such, at least due to their dependence from their respective base claim, claims 5, 6, 8-11, 15-17 ,and 19-22 are patentable over *Paolini*. Thus, Applicant requests the rejections of claims 5, 6, 8-11, 15-17, and 19-22 be withdrawn and the claims be allowed.

2. Claims 23 and 24

Claim 23 recites "calculating a confidence factor relating to the matched inference metadata." The Office Action cites *Squibbs*, FIGURE 15, as teaching this element and explains "that some photos are matched with locations and that some photos are not matched with a location [this represents the confidence factor]." Office Action, page 7. The Office Action appears to be pointing to the act of matching and mismatching photos as teaching calculating a *confidence factor*. Thus, it appears that the Office Action confuses storing the photos themselves with calculating a confidence factor. At the very least, it is noted that the mere act of storing fails to teach calculating of any sort. Further, and without admitting that a confidence factor can be derived from the mismatched photos, it is noted that merely storing mismatched photos is not enough, without more, to teach calculating any kind of confidence information, much less a confidence factor. As such, Applicant asserts that *Squibbs* does not appear to teach "memory fields means for storing a confidence factor relating to matched inference metadata"

C. § 103(a) Rejection Over *Paolini* in view of *Tsujimoto*

Claims 7 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Paolini* in view of *Tsujimoto*. However, dependent claims 7 and 18 depend from independent claims 1 and 12 and thus include all of the limitations of claims 1 and 12 in addition to their own supplied limitations. It is respectfully submitted that dependent claims 7 and 18 are allowable at least because of their dependence from claims 1 and 12 for the reasons discussed above. Furthermore, *Tsujimoto* fails to cure the above identified deficiencies. Accordingly, Applicant respectfully asserts the cited combination fails to teach claims 7 and 18 and requests that the Examiner withdraw the rejection and allow the claims.

IV. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 200205905-1 from which the undersigned is authorized to draw.

Respectfully submitted,

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: September 14, 2007

Signature: Donna Dobson

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